APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,738	10/04/1999	ALEXANDER I. HOPMANN	13768.119	1043

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WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)	
Office Action Summary	09/412,738	HOPMANN ET AL.	
	Examiner	**Art Unit**	
	Dustin Nguyen	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

· A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 1999</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .   6) ☐ Other: .

DETAILED ACTION

1.   Claims 1 – 43 are presented for consideration.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claim 15 is rejected under 35 U.S.C. 112, first paragraph, because the best mode

contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode

is based upon claiming "the step of resolving the conflict if the client copy of the resource

MATCHES the server copy of the resource", while in claim 10, it claims "the client resource tag

does not match the server resource tag".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-11, 13, 14, 16-30, 32, 33, 35-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ecklund (US Patent No 4853843), in view of Mastors et al. (US Patent No

5832512).

6.   As per claim 1, Ecklund discloses a system capable of replicating a server copy of a
resource stored on one or more servers with a client copy of the resource stored on one or more
clients, a method for resolving a resource conflict comprising the steps of:

detecting, by the server, that the resource on the server conflicts with the copy of the
resource on a client (e.g. col 33, line 7-13);

determining, at the server, whether the conflict between the resource and the copy of the
resource can be resolved (e.g. col 36, line 33-54 and col 43, line 61-67);

creating, by the server, a conflict resource, if the conflict cannot be resolved by the server
(e.g. col 52, line 65-col 53, line 10).

presenting the conflict resource to a user if the conflict resource cannot be resolved by the
client (i.e. notification) (e.g. col 50, line 60-67).

Ecklund does not disclose other limitation of the claim.

Mastors discloses:

evaluating, at the client, whether the conflict resource can be resolved in accordance with
a schema of the client if the conflict was not resolved at the server (e.g. col 5, line 25-42);

At the time the invention was made, it would have been obvious to a person skill in the
art to combine Ecklund and Mastors because resource needs to be properly allocated in the
network in order to fully utilize its efficiency.

7.   As per claim 2, Ecklund discloses the step of detecting further comprises the step of

comparing a client resource tag, provided by the client, with a server resource tag (e.g. col 33,

line 53-61).

8.   As per claim 3, Ecklund discloses the client resource tag is representative of a version of

the resource (i.e. version of data object) (e.g. col 3, line 15-24).

9.   As per claim 4, Ecklund discloses the server resource tag is representative of a version of

the resource (e.g. col 2, line 59-63).

10.   As per claim 5, Ecklund discloses the step of resolving the conflict at the server (e.g. col

38, line 25-50).

11.   As per claim 6, Ecklund discloses the step of comparing the client copy of the resource

with the server copy of the resource (e.g. col 14, line 60-64).

12.   As per claim 7, Ecklund discloses the conflict resource comprises the server copy of the

resource and the client copy of the resource (e.g. Figure 6A).

13.   As per claim 8, it is rejected for similar reasons as stated in claim 1.

14.   As per claim 9, Ecklund does not disclose the limitations of the claim. Mastors discloses

the steps of:

uploading the resolved conflict resource to the server (e.g. col 7, line 55-58 and Figure

5A, item 92); and

returning a new resource tag to the client from the server (e.g. col 8, line 25-32).

At the time the invention was made, it would have been obvious to a person skill in the

art to combine Ecklund and Mastors because file consistency needs to be maintained in the data

network.

15.   As per claim 10, it is rejected for similar reasons as stated above as in claim 1.

Furthermore, Ecklund discloses determining that a conflict exists if the client resource tag does

not match the server resource tag (e.g. col 37, line 27-50), and executing a server level of

conflict resolution between the client copy of the resource and the server copy of the resource at

the server (e.g. col 39, line 26-37)..

16.   As per claim 11, it is rejected for similar reason as stated above in claim 2.

17.   As per claim 13, Ecklund does not disclose the step of initiating the conflict detection

from the client. Mastors discloses the above limitation (e.g. Figure 6A, item 118). At the time

the invention was made, it would have been obvious to a person skill in the art to combine

Ecklund and Mastors because file consistency needs to be maintained in the data network.

18.   As per claim 14, it is rejected for similar reason as stated in claim 6.

19.   As per claim 16, Ecklund discloses the step of resolving the conflict in accordance with a schema known to the server (e.g. col 38, line 35-46).

20.   As per claim 17, it is rejected for similar reasons as stated in claims 1 and 10. Furthermore, Mastors discloses executing a client level of conflict resolution between the client copy of the resource and the server copy of the resource at the client (e.g. Abstract and claim 13). At the time the invention was made, it would have been obvious to a person skill in the art to combine Ecklund and Mastors because file consistency needs to be maintained in the data network.

21.   As per claims 18 and 19, they are rejected for similar reasons as stated above in claims 6 and 7.

22.   As per claim 20, Ecklund does not disclose the limitation of the claim. Mastors discloses the conflict resource comprises a set of differences existing between the server copy of the resource and the client copy of the resource (e.g. col 9, line 3-7). At the time the invention was made, it would have been obvious to a person skill in the art to combine Ecklund and Mastors because file consistency needs to be maintained in the data network.

23.   As per claim 21, Ecklund discloses the conflict resource comprises information useful to

the client for resolving the conflict (e.g. col 35, line 16-23).

24.   As per claim 22, it is rejected for similar reason as stated above in claim 1.

25.   As per claim 23, it is rejected for similar reasons as stated in claims 2-4, and 10.

26.   As per claims 24-26, they are rejected for similar reasons as stated above in claims 10

and 1.

27.   As per claim 27, Ecklund discloses the step of comparing the changes made to the client

copy of the resource and the server copy of the resource (i.e. change lists) (e.g. col 36, line 55-

col 37, line 5).

28.   As per claim 28, it is rejected for similar reason as stated in claim 9.

29.   As per claim 29, it is rejected for similar reason as stated in claim 9. Furthermore,

Ecklund discloses the new resource tag identified the current version of the server copy of the

resource and the client version of the resource (e.g. col 22, line 50-col 23, line 5).

30.   As per claim 30, it is rejected for similar reasons as stated above in claims 1 and 10.

31.   As per claim 32, it is rejected for similar reasons as claim 10.

32.   As per claim 33, it is rejected for similar reason as stated above in claim 17.

33.   As per claim 35, it is rejected for similar reason as stated above in claims 1 and 10.

34.   As per claims 36-38, they are rejected for similar reasons as stated above in claims 8, 1

and 16 respectively.

35.   As per claim 39, it is rejected for similar reasons as stated in claim 9.

36.   As per claim 40, it is rejected for similar reasons as stated in claims 1 and 17.

Furthermore, Ecklund discloses the method above can be implemented in computer readable

medium (i.e. program code) (e.g. Appendix 1-23).

37.   As per claim 41, it is rejected for similar reasons as stated above in claim 9.

38.   As per claim 42, it is rejected for similar reasons as stated in claims 10, 17 and 30.

39.   Claims 31, 34, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ecklund (US Patent No 4853843), in view of Mastors et al. (US Patent No 5832512) and

further in view of Eaton et al. (US Patent No 5483588).

40.   As per claim 31, it is rejected for similar reasons as stated above in claims 1 and 17.

Furthermore, Ecklund and Mastors do not disclose a third level of conflict resolution requires an

end user to resolve the conflict. Eaton discloses the above limitation (e.g. col 3, line 64-67). At

the time the invention was made, it would have been obvious to a person skill in the art to

combine Ecklund, Mastors and Eaton because file consistency needs to be maintained in the data

network.

41.   As per claim 34, Ecklund and Mastors do not disclose the limitation of the claim. Eaton

discloses he step of executing a third level of conflict resolution (i.e. user level) (e.g. col 22,

line 38-50). At the time the invention was made, it would have been obvious to a person skill in

the art to combine Ecklund, Mastors and Eaton because file consistency needs to be maintained

in the data network.

42.   As per claim 43, it is rejected for similar reasons as stated in claims 1, 17 and 34.

43.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ecklund (US

Patent No 4853843), in view of Mastors et al. (US Patent No 5832512) and further in view of

Judge et al. (US Patent No 6430564).

44.   As per claim 12, Ecklund and Mastors do not disclose the limitation of the claim. Judge

discloses the client resource tag is transmitted to the server in a PUT method (e.g. col 5, line 17-

23). At the time the invention was made, it would have been obvious to a person skill in the art

to combine Ecklund, Mastors and Judge because file consistency needs to be maintained in the
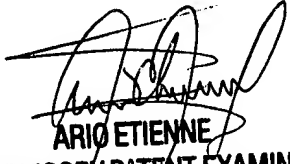
data network.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The
examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Ario Etienne can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

DN
10/21/02

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100